

**Grant Program Requirements:
Clean Water Legacy Partners FY 2027**

1. Match

A non-state match equal to at least 10% of the amount of the grant received is required. The anticipated source(s) for the match shall be identified in the grant work plan. Match can be provided by a landowner, authorized agent, private organization, local government or other non-state source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives. State funded loans repaid with non-state funds may be used for the match. Activities listed as ineligible under the Ineligible Activities section may not be counted towards match. Activities completed prior to execution of the grant agreement may not be used as match for this program. Funds used for match for this program cannot be used as match for any other state grant program.

2. Grant Work Plan

A work plan shall be developed in eLINK and must be approved before execution of the grant agreement. The work plan shall reflect each eligible activity that will be implemented, a description of the anticipated activity outcomes or accomplishments, and grant funding amounts to accomplish each of the activities.

3. Eligible Activities

Consistent with the Clean Water Legacy Act (Minnesota Statutes 114D), the primary purpose of activities must be to protect, enhance, or restore water quality in lakes, rivers, or streams or to protect groundwater and drinking water sources from degradation.

Eligible activities can consist of structural practices and projects, non-structural practices, education and information, project development, project support, and grant administration and coordination. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

Structural and Non-Structural Activities: Structural activities include the design and construction of a physical facility or measure. Examples include stormwater control or treatment structures, streambank or shoreland protection, and wetland restoration or creation. These are distinct from non-structural activities which do not require construction and typically include vegetative or management practices. Examples include street sweeping, nutrient management, prescribed grazing, and source reductions of chloride. The BWSR website provides a [list of the practices available](#) for users to select within eLINK. It is not an inclusive list.

Non-structural activities that supplement or exceed current minimum state standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation are eligible.

Practice Standards: The grantee must use methods and practices consistent with the Natural Resources Conservation Service Field Office Technical Guide, Minnesota Stormwater Manual, or be a professionally accepted engineering or ecological practice that have a demonstrated

effectiveness and provide the greatest long-term positive impact on water quality. Innovative approaches may be incorporated on a case-by-case basis. Design standards for all practices must include specifications for operation and maintenance for the effective life of the given practice, including an inspection schedule and procedure.

Financial Assistance: Financial assistance can be provided to a landowner or authorized agent to share the cost to install or adopt a conservation practice. Financial assistance is limited to flat rate and percent-based payments. Flat rate financial assistance is provided at a predetermined fixed rate, must be reasonable and justifiable, and supported by grantee policy, and sub-grantee policy, if applicable. Percentage-based financial assistance is provided at a predetermined percentage of actual documented costs to install or adopt a conservation practice. Financial assistance for percent-based payments must not result in grantee financial assistance agreements paying greater than 100% of the cost of any activity.

Any projects proposing to provide financial assistance for installing or adopting non-structural land management practices for a duration longer than three years must be approved by the BWSR grants manager, in consultation with regional managers, prior to workplan approval. BWSR reserves the right to review and/or advise the grantee regarding financial assistance rates.

Structural Practice Lifespan: All structural practices must be designed and maintained for a minimum effective life of ten years for best management practices and 25 years for capital improvement practices. The beginning date for a practice's effective life is the same date final payment is approved, and the project is considered complete. Where questions arise under this section, the effective lifespan of structural practices shall be defined by current and acceptable design standards or criteria.

Project and Practice Assurances: A written agreement is required to ensure program requirements are met when installing projects and practices or providing financial assistance to a land occupier. Project and Practice Assurances must include technical and financial obligations and requirements for the installation, operation, and maintenance of the practice or project, including a plan for failures or noncompliance.

Operation, Maintenance and Inspections: Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. An operation and maintenance plan must be prepared by designated technical staff for the life of the practice and be included with the design standards. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.

Subsurface Sewage Treatment Systems (SSTS): Replacing systems on homesteaded properties identified as an imminent threat to public health or safety (ITPHS) or systems that are failing to protect groundwater are eligible activities. Landowners must meet low-income thresholds established by the grant recipient according to USDA Rural Development or similar published criteria. Where these criteria are met, costs associated with connecting a home into a sewer line that goes to a municipal or community wastewater treatment plant are also eligible.

Tribal Governments replacing systems identified as ITPHS or systems that are failing to protect groundwater is an eligible activity. Tribal Governments may define criteria for replacing ITPHS SSTs.

Education and Information: Eligible activities include the development and implementation of environmental education materials, activities, curriculum, and programming designed to support water quality. Examples include informational signs, workshops, clinics, publications, websites, and presentations.

Technical and Engineering Assistance: Eligible activities include actual technical and engineering expenses to advance project implementation. Eligible expenses include but are not limited to the following activities: site investigations and assessments, surveys, preliminary analysis and design, final design, environmental review, cultural assessments, construction supervision, installation, inspection, and completion of projects. Technical and engineering expenditures must be appropriately documented according to the Grants Administration Manual.

Project Development: Eligible activities include staff time and direct costs that are required to support or supplement the goals and outcomes of the work plan. Examples include project management, civic engagement, public outreach, initial contacts, activities with landowners and/or partners, preliminary information gathering, conservation marketing, or other activities.

Grant Administration and Coordination: Eligible activities include coordination, management, and reporting that are directly related to and necessary for grant administration. This category may also reflect costs of facilities and operations if not included in a billing rate or indirect cost allocation.

Supplies and Equipment: Eligible activities include the acquisition of equipment, hardware, software, or supplies. Equipment must comply with Grants Administration Manual procedure for purchase of equipment and other capital assets.

Ineligible Activities

1. Activities that do not have a primary benefit of water quality.
2. Water quality monitoring as, but not limited to, routine, baseline, diagnostic, long-term trend, or effectiveness monitoring. This includes both surface and groundwater monitoring activities.
3. Household water conservation appliances and water fixtures.
4. Systems regulated by National Pollution Discharge Elimination System or State Disposal System permits (treated surface discharge or systems discharging over 10,000 gallons per day).
5. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment benefit.
6. Activities that outlet land locked basins.

7. Development and delivery of educational activities and curriculum that do not support water quality outcomes.
8. Replacement, realignment or creation of bridges, trails, or roads.
9. Water treatment activities with unknown long-term benefits, water quality outcomes, ecological impacts, or effective life including but not limited to harvesting or chemical treatment of aquatic plants, lanthanum, or nanobubble technology.
10. Routine maintenance activities or repair of best management practices, capital equipment and infrastructure within the effective life of existing practices or projects.
11. Activities that meet minimum requirements of law or permit including but not limited to: Buffer Law, Drainage Law, Shoreland Law, Groundwater Protection Rule, Wetland Conservation Act, and NPDES Construction Stormwater Permit except subsurface sewage treatment systems as described under the “Eligible Activities” section, above.
12. Feedlot related activities, including animal waste management systems, closing, expansion or relocating of facilities.

4. **Native Vegetation**

Projects that involve vegetation restoration or establishment must use native vegetation and seed and plant sources consistent with BWSR’s Native Vegetation Establishment and Enhancement Guidelines, with the exceptions listed below. Use of plant species on the Minnesota [Noxious Weed List](#) is prohibited for all projects. Non-native species used for projects must not pose a risk to native plant communities. The maximum distance for sources of herbaceous species seed and plants is 200 miles; and for tree and shrubs seed and plants the distance is 300 miles.

Exceptions

- Non-native, non-invasive perennial crops, hay crops or forage crops may be used:
 - As part of a drinking water protection strategy in a vulnerable or highly vulnerable DWSMA as designated by the Department of Health or in a Township Well Testing high-priority area as determined by the Department of Agriculture;
 - In buffers, borders, grass waterways or other areas likely to be exposed to pesticides or part of agricultural production;
 - For soil stabilization, erosion prevention and carbon sequestration in an agricultural production setting;
 - On fields that will be hayed, grazed or harvested.
- For the exceptions above, if the project area is under 20 acres in size, the exception may be approved by local conservation staff. If the project area is 20 acres or larger, or for any exceptions not listed here, grantees must request approval from the BWSR Grant Manager.
- Cover crops used to improve soil health and/or water quality are allowed without a maximum acreage limit.
- Temporary cover is allowed without a maximum acreage limit when needed to stabilize project sites prior to the construction of structural conservation practices.

- Cultivars of native species may be used in urban stormwater plantings if they accomplish similar or greater ecological functions, help achieve aesthetic goals and do not pose an invasive or other environmental risk.

5. Allowable and Unallowable Costs

Allowable costs are costs solely incurred through project activities that are directly related to and necessary for producing the project outcomes described in the work plan. Grantee is required to account for the staff time charged to BWSR grants in order to track the expenditure of grant funds and match to ensure the use of the funds is consistent with applicable State and BWSR requirements.

Unallowable costs include but are not limited to:

- Bad debts, monetary settlements and judgements, late payment fees, and investment management fees
- Donations, fundraising, sponsorships, and acknowledgements
- Entertainment, gifts, prizes, and decorations
- Alcohol
- Interest on loans not authorized under state statute
- Loans of BWSR grant funds
- Lobbying, lobbyists, and political contributions
- Merit awards and bonuses

6. Technical Quality Assurance

Practices and projects must meet the following requirements to ensure long-term public benefit:

- **Technical Assistance Provider.** The recipient must designate technical assistance provider(s) that have appropriate credentials for investigation, design, and construction.
- **Practice Standards.** Practices and projects must use appropriate standards for design, construction, effective life, operation, and maintenance.
- **Practice Certification.** Technical assistance provider(s) must certify that the practice or project was installed or constructed in accordance with the applicable plans and specifications, including approved modifications, prior to authorization for payment.
- **Operation and Maintenance.** Technical Assistance Provider(s) must prepare an operation and maintenance (O&M) plan specific to the site and practice(s) implemented.
- **Periodic Practice/Project Inspection.** Inspections shall confirm that the operation and maintenance plan is being followed and the project has not been altered or removed.

7. Project and Practice Assurances

A written agreement is required to ensure program requirements are met when installing projects and practices or providing financial assistance to a landowner or authorized agent. Project and Practice Assurances must include technical and financial obligations and requirements for the installation, operation, and maintenance of the practice or project, including a plan for failures or noncompliance.

8. Permitting

The grantee is responsible for obtaining and complying with all permits necessary to execute the project.

9. Providing Financial Assistance

All BWSR funds used by a recipient to provide financial assistance to a landowner or authorized agent requires adequate project assurances.

Project Application and Agreements

Work completed prior to the signing of the agreement is not eligible.

Conservation Practice Contract Noncompliance

Failure to complete, maintain, or repair a conservation practice or unauthorized alteration is considered non-compliance with an executed conservation practice agreement. If the organization discovers noncompliance, they must take action to resolve and notify BWSR.

10. Grant Management and Reporting

Eligible activities include grant administration, management, and reporting that are directly related to and necessary for implementing the project or activity associated with the grant. Grantee is required to report on the outcomes, activities, and accomplishments.